

**Minutes**  
**Bar Harbor Town Council**  
**March 16, 2010**

- I. **CALL TO ORDER** – 7:00 p.m. – In attendance were: Councilors Sandy McFarland, Ruth Eveland, Paul Paradis, Peter St. Germain, Jane Disney, Robert Jordan, Jr.; and Town Manager Dana Reed.
  - A. **Excused Absence(s)** – Mr. Paradis, with second by Mr. Jordan, moved to excuse Councilor Veilleux as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- II. **APPROVAL OF MINUTES**
  - A. **March 2, 2010** – Mr. Paradis, with second by Ms. Eveland, moved to approve the minutes of the March 2, 2010 regular meeting as presented. Motion passed 6-0.
- III. **ADOPTION OF AGENDA** – Mr. Paradis, with second by Ms. Eveland, moved to adopt the agenda as presented with the exception of moving V(A) from the consent agenda to the first item under Regular Business. Motion passed 6-0.
- IV. **FINANCIAL STATEMENTS** – *Review and possible acceptance.* – Mr. Paradis, with second by Ms. Eveland, moved to accept and file the financial statements as presented in the Finance Director's memo dated March 10, 2010. Motion passed 6-0.
- V. **CONSENT AGENDA** – *A single vote has been scheduled to approve the following items of business without discussion, unless individual agenda item action is requested by a Councilor:*
  - A. **FY10 Budget Transfer** – *Possible adoption of a motion that the Treasurer transfer \$3,000 to Technology account #1022-5376 from Contingency account #1036-5906 to reflect monies expended to create the on-line Ethic's Ordinance training module.*
  - B. **Justice Assistance Grant** – *Possible adoption of a motion to authorize the Town Manager to accept a \$4,103 pass-through of a federal Justice Administration grant made to the City of Ellsworth, said grant to be used to finance a portion of an equipment trailer.*

Mr. Paradis, with second by Ms. Eveland, moved to approve the remaining items on the consent agenda as published. Motion passed 6-0.
- VI. **PUBLIC HEARINGS:**
  - A. **Special Amusement Permit Renewal:**
    1. **Bar Harbor Inn**, 8 Newport Drive, for a class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Christine Witham. – There being no comment, Mr. Paradis, with

second by Ms. Eveland, moved to approve the Special Amusement Permit renewal for the Bar Harbor Inn as advertised. Motion passed 6-0.

2. **Bar Harbor Hotel ~ Bluenose Inn**, 90 and 50 Eden Street, for a class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Lafayette Bar Harbor Hotel, Inc., Kent Leonard. – There being no comments, Mr. Paradis, with second by Ms. Eveland, moved to approve the Special Amusement Permit renewal for the Bar Harbor Hotel ~ Bluenose Inn as advertised. Motion passed 6-0.

B. **Sewer Connection Fee Appeal by Doug Smith** – *Appeal of the Wastewater Superintendent's decision regarding the Sewer Connection Fee for construction of the Fantail Pub.* – Mr. Smith presented his case for calculating only the serving area and not the pool table area. Public Works Director Chip Reeves presented the number of types of establishments that it could be used as and how the calculation is applied to each. Following discussion of the unknown definition of dining area; Mr. Paradis, with second by Ms. Eveland, moved to schedule a special meeting for deliberations on this matter on March 30, 2010 at 5:30PM. Motion passed 6-0.

C. **Combined Sewer Overflow Master Plan:**

1. *Presentation by Wright-Pierce Engineering on the CSO Master Plan tentatively approved by the Maine DEP.*
2. *Public comment on the proposed plan.* – Following the presentation, there was no comment from the public.
3. *Council review and possible approval of the CSO Master Plan.* – Mr. Paradis, with second by Ms. Eveland, moved to adopt the draft Combined Sewer Overflow Plan, pending final approval by the Maine Department of Environmental Protections. Motion passed 6-0.

VII. **REGULAR BUSINESS:**

A1. **Economic Development Task Force** – *Possible adoption of a motion to approve the amendment of the Economic Development Task Force bylaws dated March 8, 2010.* – Mr. Paradis, with second by Ms. Eveland, moved to approve the amendment of the Economic Development Task Force bylaws dated March 8, 2010 with the exception of changing item VI(4)(E) to reflect the new Cruise Ship Committee. Motion passed 6-0.

A. **Committee Consultations** – *Discussion of current projects, future plans and any support needed from Town Council*

1. **Parks & Recreation Committee** – Committee members Marty Williams and Kim Harty outlined their workload and successes. The fundraising for the Barker Park sculpture was complete, they successfully met their goal. The RFP will be going out soon for Barker Park construction. Committee members will be meeting with the Bar

Harbor Garden Club who offered a \$600 donation for a tree in Barker Park. The Hadley Point kiosk has been discussed along with making the area user friendly by moving the port-a-potties and increasing the parking area. The committee's main function is permitting park uses. Discussion of the committee's role in regards to recreation, in addition to the YMCA, is being reviewed. Their next project is Grant Park and what needs to be done, and are open for any suggestions.

Councilor Paradis inquired if they've reviewed the kiosk at Harborview Park. Following discussion, it was requested the committee make their recommendations in writing to Council, who will then give further directions.

- B. **Kids' Corner** – *Meeting of Council with Kids' Corner representatives to review progress and status.* – Executive Director Lori Krupke gave a brief overview of their continued success. They use grant funding whenever possible for any repairs or upkeep. Currently, they are planning to renovate the kitchen and hope to do so with grant funds.
- C. **Code Enforcement Consent Agreements** – *Discussion of the pros and cons of adopting a Council Policy on Code Enforcement Consent Agreements.* – Following much discussion, Mr. Paradis, with second by Ms. Eveland, moved to direct staff to further refine the Consent Agreement Procedure to reflect:
1. admission that the violation does in fact exist
  2. why a negotiated settlement is in the best interest of the Town
- and return to Council with a draft prior by May 4, 2010. Motion passed 6-0.
- D. **Ethics Ordinance Training** – *Demonstration of online ethics training program by Steve Cornell, Bar Harbor's technical systems administrator.* – Following the demonstration, Mr. Paradis, with second by Ms. Eveland, moved to approve the Ethics Ordinance online testing module demonstrated this evening and direct staff to implement the program as soon as practical using 15 questions and at least 75% score to pass. Motion passed 6-0.
- E. **Route Three Task Force** – *Request to amend task force bylaws to broaden its mission.* – Following the request to continue the task force through the public participation phase with the same members; Mr. Paradis, with second by Ms. Eveland, moved to approve the draft amendment of the Route Three Task Force bylaws dated March 11, 2010. Motion passed 6-0.
- F. **Sidewalk Plowing** – *Request of Public Works Director Chip Reeves to adjust the sidewalk snowplow route from the south side of West Street to the north side and to add Spring Street and Waldron Road to the plow route.* – Following discussion, Mr. Paradis, with second by Ms. Eveland, moved to add Spring Street and Waldron Road to the sidewalk snowplow route as suggested by the Public Works Director. Motion passed 6-0. Following

further discussion of West Street, Dr. Disney, with second by Ms. Eveland, moved to take no action on the request to adjust the snowplow route from the south side of West Street to the north side. Motion passed 5-1 (Nay: Mr. Paradis). Mr. Paradis, with second by Ms. Eveland, moved to amend the Snow Removal Policy to incorporate sidewalks as proposed by the Town Manager and dated March 12, 2010 and further amended this evening in item VII(G)(1). Motion passed 6-0.

- G. **Payments in Lieu of Taxes** – *Request of Councilor Disney to solicit payments in lieu of taxes from all non-profit organizations owning land in Bar Harbor.* – Councilor Eveland disclosed a possible special interest in this matter since the organization in which she is the executive director is a named nonprofit organization that could potentially receive a letter by this action. Mr. Paradis, with second by Mr. Jordan, moved that Councilor Eveland does not have a special interest in this matter. Motion passed 5-0-1(Recused: Ms. Eveland).

Following Dr. Disney's proposal, Dr. Disney, with second by Mr. Jordan, moved to send a nice letter to our local nonprofits to invite them to make a payment in lieu of taxes. Motion failed 3-3 (Nay: Ms. Eveland, Mr. McFarland, Mr. Paradis).

- H. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Ms. Eveland, moved to sign Treasurer's warrant for paid bills. Motion passed 6-0.

#### VIII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

**Mr. Paradis** reported that last Thursday, he was invited to meet with Terry Kelly and Greg Grant from the MDI Housing Authority and met with them on that day. They discussed the Council action of January 19, 2010 and how he felt that the Housing Authority could move forward. He thought it is safe to say that the petition would not move forward and that the Housing Authority would probably be moving forward per the Council action of January 19, 2010. He indicated to them that there was still time to get a question on the June ballot but that time was of the essence. Council can probably expect to get the documents outlined on January 19, 2010 along with a request for a special Council meeting in the very near future. He thought this was a very productive meeting and he thanked both Terry and Greg for the invitation to meet with them.

**Dr. Disney** wished one of our local commercial clam diggers, David Dunton, a speedy recovery. He suffered injuries from a recent fall.

**Mr. Jordan** acknowledged receipt of Bobbi and Juan Mendoza's letter of thanks for the Public Works crew eliminating the flooding of their property. He also thanked Public Works Director Chip Reeves for successfully taking care of the situation.

**Mr. McFarland** thanked the Warrant Committee for their work thus far in reducing the budget.

#### IX. MATTERS FOR POSSIBLE EXECUTIVE SESSION:

- A. **Water Division Office Building** – *Consideration of the acquisition or disposal of real property or rights therein. (To be held in executive session as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town.)* – Mr. Paradis, with second by Ms. Eveland, moved to go into executive session at 10:26 p.m., after a short break, as permitted by 1 MRSA 405.6.C, since premature disclosure of this information would prejudice the competitive or bargaining position of the Town. Motion passed 6-0. Council went into executive session at 10:33 p.m. with Town Manager Dana Reed and Public Works Director Chip Reeves. Council came out of executive session at 11:21 p.m.
- X. **ADJOURNMENT** - Mr. Paradis, with second by Ms. Eveland, moved to adjourn at 11:22 p.m. Motion passed 6-0.

---

Paul Paradis, Secretary